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7                   **UNITED STATES DISTRICT COURT**  
8                   **DISTRICT OF NEVADA**  
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10 YANG YANG,  
11                   Plaintiff,  
12                   v.  
13                   BUFFALO RANCH HOMEOWNERS  
14                   ASSOCIATION, *et al.*,  
15                   Defendants.

Case No. 2:15-cv-01246-LDG (NJK)

**ORDER**

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17                   The plaintiff, Yang Yang, purchased a house in November 2013. Yang, however,  
18 continued to reside at a different location. He alleges that the address of the house where  
19 he resided was identified as his mailing address in the purchase documents. Defendant  
20 Buffalo Ranch Homeowners Association, through its agent defendant Absolute Collections  
21 Services, subsequently foreclosed on the newly-bought property because Yang was  
22 delinquent on that property's homeowner's association assessments. Yang alleges these  
23 defendants never attempted to locate or serve him at his *residence*.

24                   Defendant Saticoy Bay purchased the home at the foreclosure sale and  
25 subsequently sold the property to defendant Nattinan Wandeevong.

1 Yang brought this action, alleging state claims for quiet title and unjust enrichment  
2 against all defendants, state claims for wrongful foreclosure and negligence against Buffalo  
3 Ranch and Absolute Collections, and a federal claim for violations of the Fair Debt  
4 Collection Practices Act brought solely against Absolute Collection.

5 Presently before the Court are:

- 6 1) Yang's Motion to Show Cause Why a Prejudgment Writ of Attachment  
7 Should Not Issue Against Saticoy Bay (ECF No. 22);
- 8 2) Saticoy Bay's Motion for Summary Judgment (ECF No. 24);
- 9 3) Saticoy Bay's Motion to Dismiss Amended Complaint (ECF No. 42);
- 10 4) Buffalo Ranch's Motion to Dismiss Amended Complaint (ECF No. 66);
- 11 5) Saticoy Bay's Second Motion for Summary Judgment (ECF No. 68);  
12 and
- 13 6) Wangdeevong's Motion for Summary Judgment (ECF No. 86).

14 Motion to Dismiss

15 Saticoy Bay argues that this Court should not exercise supplemental jurisdiction over  
16 Yang's state law claims as those claims do not arise from the same transaction or  
17 occurrence as Yang's federal debt collection claim against Absolute Collections.  
18 Alternatively, even if the Court determines the state and federal claims arise from the same  
19 transaction or occurrence, Saticoy Bay asks that the Court exercise its discretion to decline  
20 to exercise supplemental jurisdiction in this case. Buffalo Ranch and Wangdeevong have  
21 joined Saticoy Bay in its motion.

22 Supplemental jurisdiction allows federal courts to hear and decide state claims along  
23 with federal claims when they "are so related to claims in the action within such original  
24 jurisdiction that they form part of the same case or controversy . . ." 28 U.S.C. §1337(a).  
25 As a general rule, supplemental jurisdiction extends over state claims brought against a  
26 party even when that party was not subject to the federal claims primarily at issue. In

1 *Executive Software North America, Inc. v.. U.S. Dist. Ct.*, 24 F.3d 1545, 1552 (9th Cir.  
2 1994), the Court of Appeals recognized that the Supreme Court has broadly authorized the  
3 federal courts to assert jurisdiction over state law claims when “the state and federal  
4 claims . . . derive from a common nucleus of operative fact,” the claims are such that a  
5 plaintiff “would ordinarily be expected to try them all in one judicial proceeding,” and the  
6 federal issues are “substantial.” Nevertheless, “district courts may decline to exercise  
7 supplemental jurisdiction over a claim . . . if – (2) the claim substantially predominates over  
8 the claim or claims over which the district court has original jurisdiction.” 28 U.S.C.  
9 §1337(c).

10 Yang argues, in opposing the motion to dismiss, that his “allegations stem from one  
11 property and one illegal HOA foreclosure to collect a debt as defined by the FDCPA without  
12 providing necessary notification. If ACS had followed the strict notice requirements under  
13 the FDCPA, Yang’s house would not have been foreclosed upon.” Thus, he concludes, the  
14 claims are so related as to form part of the same case or controversy. The balance of  
15 Yang’s opposition, however, is devoted almost solely to arguing that his claims “arise out of  
16 defendants’ illegal homeowner’s association foreclosure.” At most, he summarily asserts  
17 his state claims arise “out of the wrongful foreclosure and collection tactics” without  
18 elaborating how the claims arise from the collection tactics underlying his sole federal  
19 claim.

20 The Court would further note that Yang’s motion for summary judgment (rather than  
21 partial summary judgment) is devoted solely to his state law claims. Entirely absent from  
22 the motion is any argument regarding his federal claim against Absolute Collections.  
23 Yang’s own arguments to this Court demonstrate that his state law claims more than  
24 substantially predominate over his federal claim, to the point where he has ignored his  
25 federal claim in seeking summary judgment. A review of the docket establishes that this  
26 litigation almost solely concerns his state law claims, and his allegation of a federal claim

1 serves as little more than a basis upon which to litigate his state claims before a federal  
2 court. Even assuming that the state claims are so related to the federal claim as to form  
3 part of the same case or controversy, those state claims more than substantially  
4 predominate over the federal claim to the point of being the sole focus of Yang's litigation.  
5 Accordingly, the Court will exercise its discretion and decline to exercise supplemental  
6 jurisdiction over Yang's state claims against Saticoy Bay, Buffalo Ranch, and  
7 Wandeevong. Accordingly,

8           **THE COURT ORDERS** that all motions previously denied for administrative and  
9 statistical purposes are reinstated;

10           **THE COURT FURTHER ORDERS** that Saticoy Bay's Motion to Dismiss Amended  
11 Complaint (ECF No. 42), which was joined by Buffalo Ranch Homeowner's Association  
12 (ECF No. 44) and Nattinan Wandeevong (ECF No. 53) is GRANTED; Yang Yang's  
13 Amended Complaint is DISMISSED, without prejudice, as against these defendants.

14           **THE COURT FURTHER ORDERS** that Yang Yang's Motion to Show Cause (ECF  
15 No. 22) and Motion for Summary Judgment (ECF No. 59) are DENIED as moot.

16           **THE COURT FURTHER ORDERS** that Saticoy Bay's Motion for Summary  
17 Judgment (ECF No. 24) and Second Motion for Summary Judgment (ECF No. 68) are  
18 DENIED as moot.

19           **THE COURT FURTHER ORDERS** that Buffalo Ranch Homeowner's Association's  
20 Motion for Summary Judgment (ECF No. 66) is DENIED as moot.

21           **THE COURT FURTHER ORDERS** that Nattinan Wandeevong's Motion for  
22 Summary Judgment (ECF No. 86) is DENIED as moot.

23           DATED this 5 day of July, 2018.

  
Lloyd D. George  
United States District Judge